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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,285	08/31/2001	John M. Fisher		3810

29988 7590 08/13/2003
THOMAS B. RYAN
EUGENE STEPHENS & ASSOCIATES
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ROCHESTER, NY 14605

EXAMINER

OCAMPO, MARIANNE S

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/945,285

Applicant(s)

FISHER, JOHN M.

Examiner

Marianne S. Ocampo

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-- **Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --**
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3 and 6-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11,14-18 and 20 is/are allowed.
- 6) ☒ Claim(s) 2,3,6-8,12 and 19 is/are rejected.
- 7) ☒ Claim(s) 9-10,13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☒ Interview Summary (PTO-413) Paper No(s). 6
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Previously Indicated Allowable Subject Matter

1. The indicated allowability of claims 2 – 3, 6 – 7, 12 and 19 is withdrawn in view of the newly discovered reference/US patent to Westerberg (US 1,767,269). Rejections based on this newly cited reference follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 2 - 3, 12 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Westerberg (US 1,767,269).

4. Concerning claim 2, Westerberg discloses a strainer assembly (10) capable of use with/for a camp cooking kit/pot (similar to the vessel/milk pail 14) comprising a strainer body (10, 11) having at least one rim (11, 16, 25) for engaging a rim of a camp cooking pot/pail (14)

and a plurality of openings (i.e. perforations or holes through the woven mesh/canvas or muslin) for pouring a liquid (milk or other) from the camp cooking pot/pail (14) while preventing egress of other contents from the pot/pail (14), strap guiding features (cloth loops 19) formed in the strainer body (10) for guiding a securing strap (20, 21) around both the strainer body (10) and (at least an upper portion of) the camp cooking pot/pail (14) and the securing strap (20, 21) including a fastening arrangement (tying/knotting 22) for securing the securing strap (20, 21) together for attaching the strainer body (10) to the camp cooking pot (14), wherein the strap guiding features are *notches* (the term “notches” which has been defined in the specification to be the same structurally as slots (i.e. gaps), and also here, has been considered by the examiner to include those slots/openings or gaps formed by cloth loops 19 of the prior art US ‘269) formed in the strainer body (10), as in figs. 1 – 2 and page 1 of the specification. See definition of “notch” in Merriam-Webster Collegiate Dictionary, page 794.

5. Regarding claim 3, Westerberg also discloses the notches/gaps formed by loops (19) include at least a pair of notches/gaps formed by the loops 19, in (diagonal or straight across) alignment with each other for guiding the securing strap (20, 21) across a top surface of the strainer body (10), as in fig. 1.

6. With regards to claim 12, Westerberg discloses a strainer assembly (10) capable of use with/for a camp cooking kit/pot (similar to the vessel/milk pail 14) comprising a strainer body (10, 11) having at least one rim (11, 16, 25) for engaging a rim of a camp cooking pot/pail (14)

and a plurality of openings (i.e. perforations or holes through the woven mesh/canvas or muslin) for pouring a liquid (milk or other) from the camp cooking pot/pail (14) while preventing egress of other contents from the pot/pail (14), strap guiding features (cloth loops 19) formed in the strainer body (10) for guiding a securing strap (20, 21) around both the strainer body (10) and (at least an upper portion of) the camp cooking pot/pail (14) and the securing strap (20, 21) including a fastening arrangement (tying/knotting 22) for securing the securing strap (20, 21) together for attaching the strainer body (10) to the camp cooking pot (14), wherein the strainer body (10) includes top and bottom surfaces and the at least one rim is one of a plurality of concentric rims (11 and one formed by outer edges of strainer 23, in the vicinity of 25 and formed near (i.e. 16) the outer rim of the opening 15) that project from the bottom surface which is capable of accommodating different size cooking pots , as in figs. 1 – 2 and page 1 of the specification.

7. Concerning claim 19, Westerberg discloses a strainer assembly (10) capable of use with/for a camp cooking kit/pot (similar to the vessel/milk pail 14) comprising a strainer body (10, 11) having at least one rim (11, 16, 25) for engaging a rim of a camp cooking pot/pail (14) and a plurality of openings (i.e. perforations or holes through the woven mesh/canvas or muslin) for pouring a liquid (milk or other) from the camp cooking pot/pail (14) while preventing egress of other contents from the pot/pail (14), strap guiding features (cloth loops 19) formed in the strainer body (10) for guiding a securing strap (20, 21) around both the strainer body (10) and (at least an upper portion of) the camp cooking pot/pail (14) and the securing strap (20, 21)

including a fastening arrangement (tying/knotting 22) for securing the securing strap (20, 21) together for attaching the strainer body (10) to the camp cooking pot (14), wherein the strap guiding features include a plurality of/at least a pair of *notches* (the term “notches” which has been defined in the specification to be the same structurally as slots (i.e. gaps), and also here, has been considered by the examiner to include those slots/openings or gaps formed by cloth loops 19 of the prior art US ‘269) in alignment with each other for guiding the securing strap (20, 21) across a top surface of the strainer body (10), as in fig. 1 and specification. See definition of “notch” in Merriam-Webster Collegiate Dictionary, page 794.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 6 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westerberg in view of Anderson (US 3,390,781).

10. With respect to claims 6 – 7, Westerberg fails to disclose the strainer assembly further comprising handles for gripping other portions of the strainer assembly and tipping the strainer body together with the cooking pot for straining contents of the pot (claim 6), and the handles being formed in the strainer body (claim 7). Anderson teaches a similar strainer assembly to that of Westerberg, in which the strainer assembly of Anderson includes a strainer body (14, 16) and handles (24) for gripping portions of the strainer assembly and tipping the strainer body with a camp cooking pot/pail (12) for straining contents thereof, wherein the handles (24) are formed (i.e. disposed) in the strainer body (14), as in figs. 1 – 5 and cols. 1 - 4. It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the strainer assembly of Westerberg by adding the embodiment taught by Anderson, in order to provide an improved strainer assembly which has a handle/handles that allow easy and convenient straining and tipping over of the strainer assembly with a cooking pot/pail as a unit (see col. 1 of Anderson).

Examiner's Remark and Response to Arguments and Amendments

11. The examiner has contacted Mr. Ryan on 7-15-03 to discuss remaining informalities in claim 8. Mr. Ryan had agreed with the examiner that the limitation “the handles” found in line 13 of claim 8, lacked proper antecedent basis. It was then suggested to incorporate the same language regarding the handles from claim 6. Since an updated search has turned up a new reference (Westerberg) not previously applied which is applicable and used in rejections above

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against the previously indicated allowable claims 2 – 3, 6 – 7, 12 and 19, the examiner has decided to withdraw allowance of those claims and issue this office action. Therefore, there has not been any examiner's amendment to correct the deficiency of claim 8.

12. Applicant's arguments with respect to claims 2 – 3, 6 – 7, 12 and 19 have been considered but are moot in view of the new grounds of rejection presented above. **This action is non-final.**

Allowable Subject Matter

13. Claim 8 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. 112, second paragraph, set forth in this Office action. Claim 8 lacks proper antecedent basis for the limitation “the handles” in line 13 of this claim.

14. Claims 11, 14 – 15 and 20 contain allowable subject matter. Claims 9 – 10, 13 and 16 – 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. The following is a statement of reasons for the indication of allowable subject matter: the closest prior art include Westerberg (269) and Anderson (781). However, none of these prior

art and those searched have disclosed or rendered obvious a strainer assembly further having the limitation of handles including two pairs of handles formed in the strainer body and each of the pairs of handles are separated by one of the strap guiding features, as in claim 8, and the handles being strap handles that attach to the securing strap, as in claim 9, and the securing strap including a hook and loop fastening system to secure ends of the strap together, as in claim 10, and the securing strap including a D-ring for threadably engaging another portion of the securing strap, as in claim 11 and the concentric rims having equal thickness to facilitate the use of the strainer body as a cutting board (which includes the limitation that the strainer body must be rigid), as in claim 13, and the limitation of the strainer body having a rigid form, as in claims 14 – 15.


16. Allowability of claim 20 has been previously indicated in the last office action (see page 7 of Paper no. 3, mailed on 2-27-03. None of the prior art has disclosed a method of assembling a strainer together with a camp cooking pot for straining contents of the pot comprising the steps of layout a securing strap, placing the cooking pot on the securing strap, placing a *rigid strainer body* over an open end of the cooking pot, aligning strap guiding features of the strainer body with the securing strap and wrapping the securing strap around both the cooking pot and strainer body in engagement with the strap guiding features of the strainer body for securing the strainer body to the cooking pot, as in claim 20.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne S. Ocampo whose telephone number is (703) 305-1039. The examiner can normally be reached on Mondays to Fridays from 8:30 A.M. to 4:30 P.M..

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (703) 308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

19. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


M.S.O.
July 28, 2003


W. L. WALKER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700